

RICHARD J. TAYLOR June 6, 2005
CONFIDENTIAL BUSINESS INFORMATION SUBJECT TO PROTECTIVE ORDER

1 data expressing you in our example is reduced.

2 Q. But, in order for a user to store that
3 one-sixteenth worth of data that represents the image
4 of you, it is inevitable, and it is unavoidable to
5 store that extraneous, what you call extraneous 15/16
6 worth of data, right?

7 A. Yes. But, it doesn't alter my position
8 that the actual amount of data that is expressing you
9 is reduced.

10 Q. I think I understand your position. But,
11 I just want to make sure that we all understand exactly
12 what was actually happening inside the machine.

13 Now, when the user calls back that picture,
14 not only does the one-sixteenth worth of data that
15 represents the image of you come out of the disc and go
16 through the system, but also that extraneous data, that
17 15/16 worth of extraneous data also is read out from
18 the disc, right?

19 MR. SUMMERSGILL: Objection. Vague.

20 A. Yes. But, I'm afraid I fail to see its
21 relevance.

22 Q. Suppose we have a full-size picture on the
23 display, and we execute one of these viewing steps to
24 call back a reduced-sized picture. What happens to the

Richard J. Taylor

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06/06/2005

15:12:17 1

C E R T I F I C A T E

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15:12:17 2

COMMONWEALTH OF MASSACHUSETTS

15:12:17 3

SUFFOLK, SS.

15:12:17 4

I, Janet M. Konarski, a Registered Merit

15:12:17 5

Reporter and a Notary Public within and for the

15:12:17 6

Commonwealth of Massachusetts do hereby certify:

15:12:17 7

THAT RICHARD J. TAYLOR, the witness whose

15:12:17 8

testimony is hereinbefore set forth, was duly sworn by

15:12:17 9

me and that such testimony is a true and accurate

15:12:17 10

record of my stenotype notes taken in the foregoing

15:12:17 11

matter, to the best of my knowledge, skill and ability.

15:12:17 12

IN WITNESS WHEREOF, I have hereunto set my hand
this 7th day of June, 2005.

15:12:17 14

15:12:17 15


JANET M. KONARSKI
 Notary Public

15:12:17 16

15:12:17 17

My Commission Expires:

15:12:17 18

July 19, 2007

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REDACTED

Alan Cavallerano

05/03/2006

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2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF DELAWARE

4 -----x

5 AMPEX CORPORATION,

6 Plaintiff,

7 -against- C.A. No.
8 04-1371-KAJ

9 EASTMAN KODAK COMPANY, ALTEK
10 CORPORATION and CHINON INDUSTRIES,
11 INC.,

Defendants.

**CERTIFIED ORIGINAL
LEGALINK BOSTON**

12 -----x

13 May 3, 2006
14 9:08 a.m.

15 Videotaped Deposition of ALAN
16 CAVALLERANO, taken by Defendants,
17 pursuant to Notice, at the offices of
18 Wilmer Cutler Pickering Hale and Dorr
19 LLP, 399 Park Avenue, New York, New
20 York, before ERIC J. FINZ, a Shorthand
21 Reporter and Notary Public within and
22 for the State of New York.

23

24

25

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51:50 1 ALAN CAVALLERANO
11:51:52 2 Q. What is the closest prior
11:51:57 3 art product to the '121 patent?
11:51:58 4 MR. BEAMER: Objection;
11:52:06 5 vague, incomplete hypothetical.
11:52:07 6 A. Well, of the products that
11:52:22 7 I'm aware of, it would be still stores
11:52:27 8 in this time frame, in the time frame
11:52:29 9 of the '121 patent, that also had the
11:52:38 10 capability to browse, to create edit
11:52:42 11 screens. So for example the 6000, the
11:52:45 12 DLS 6000 would come to mind.
11:52:47 13 Q. Is it your understanding
11:52:50 14 that the Quantel DLS 6000 is the
11:52:52 15 closest prior art product to the '121
11:52:52 16 patent?
11:52:53 17 MR. BEAMER: Objection;
11:52:55 18 mischaracterizes the prior testimony,
11:53:01 19 vague and indefinite.
11:53:02 20 A. I would say it's one of the
11:53:07 21 products that would be -- that one
11:53:12 22 could consider as prior art, because it
11:53:18 23 performed the operation of browse in a
11:53:20 24 different way, in a way that didn't
25 have the advantages of the '121 patent.

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1 54:56 1 ALAN CAVALLERANO
11:55:00 2 relevant than the Quantel Paint Box
11:55:02 3 browse?
11:55:07 4 A. What I'm saying is the DLS
11:55:14 5 6000 is specifically a still store -- a
11:55:25 6 still store device. And as such I
11:55:31 7 would see that as being a relevant --
11:55:36 8 relevant prior art. Paint Box and
11:55:40 9 other graphics oriented systems may
11:55:43 10 also have had such a capability, a
11:55:49 11 browse capability, and may also -- and
11:55:53 12 are also relevant. I don't think I
11:55:56 13 could say one would necessarily be more
11:56:02 14 or less relevant than the other. I was
11:56:04 15 simply stating that the DLS 6000 indeed
11:56:07 16 was an example of a still store device
11:56:08 17 that I considered to be relevant.
11:56:10 18 Q. In your expert opinion, is
11:56:14 19 the DLS browse more relevant to the
11:56:16 20 '121 patent than the Quantel Paint Box
11:56:24 21 browse?
11:56:25 22 MR. BEAMER: Asked and
11:56:25 23 answered.
11:56:27 24 A. It's difficult for me to cut
25 hairs and say whether one is more or

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56:28 1 ALAN CAVALLERANO
11:56:36 2 less relevant, because I don't know in
11:56:38 3 what particular area of relevancy. I
11:56:43 4 think both products are products that
11:56:48 5 are related to the patent, and I'm
11:56:54 6 citing that the 6000 is exactly a still
11:56:57 7 store device. And that's why I was
11:56:59 8 specifically citing that product.

11:57:02 9 Q. Do you think the Quantel
11:57:04 10 Paint Box browse should have been
11:57:06 11 disclosed to the Patent Office during
11:57:07 12 prosecution of the '121 patent?

11:57:08 13 MR. BEAMER: Objection;
11:57:11 14 vague and indefinite, overly broad.

11:57:14 15 A. Well, I think that the Paint
11:57:18 16 Box browse indeed, we've already
11:57:23 17 established it's prior art to the '121
11:57:27 18 patent. And in fact it's essentially,
11:57:30 19 it has the capabilities of figure 18
11:57:34 20 and 19 in the Taylor patent. And
11:57:37 21 therefore a product that was already
11:57:40 22 considered during the prosecution of
11:57:43 23 the '121 patent, because it was a
11:57:51 24 product that was -- a product that was
25 already, its operations were already

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57:53 1 ALAN CAVALLERANO
11:57:56 2 covered and already disclosed by the
11:57:57 3 prior art that was cited.

11:58:01 4 Q. Okay. So it's your expert
11:58:05 5 opinion that Quantel Paint Box browse
11:58:07 6 was disclosed to the Patent Office
11:58:10 7 during prosecution of the '121 patent?

11:58:14 8 A. What I'm saying is that the
11:58:19 9 operations achieved, the functionality
11:58:26 10 achieved, or achievable with the Paint
11:58:28 11 Box device, was nothing novel. And it
11:58:30 12 was operations that were already
11:58:31 13 covered by prior art.

11:58:34 14 Q. Is it your expert opinion
11:58:42 15 that the Quantel DLS 6000 browse is the
11:58:49 16 same as the Quantel Paint Box browse?

11:58:56 17 A. A Quantel 6000 browse, and
11:59:01 18 again, I would have to qualify what the
11:59:07 19 browse -- what the browse is. With the
11:59:09 20 Quantel 6000, it had an automatic
11:59:12 21 browse capability, but that automatic
11:59:15 22 browse required that the reduced size
11:59:21 23 images be taken off of the disk. On
11:59:24 24 the -- as the browse screen was being
... 25 created.

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59:26 1 ALAN CAVALLERANO
11:59:29 2 The Paint Box browse had
11:59:38 3 that capability as well. However, the
11:59:42 4 Paint Box, there was more flexibility
11:59:47 5 in some sense to be able to do cutting
11:59:51 6 and pasting and sticking of images
11:59:54 7 above and beyond what the 6000 was
11:59:55 8 capable.

11:59:57 9 Q. Okay. Do you agree that
12:00:01 10 **the Paint Box system could browse**
12:00:03 11 **cutouts?**

12:00:05 12 A. Yes, I'm aware of that.

12:00:09 13 Q. **And the DLS 6000 system**
12:00:12 14 **could not browse cutouts; correct?**

12:00:16 15 A. That's correct.

12:00:17 16 Q. **And so the Paint Box**
12:00:21 17 **ability to browse cutouts was never**
12:00:23 18 **disclosed to the Patent Office during**
12:00:25 19 **prosecution of the '121 patent;**
12:00:27 20 **correct?**

12:00:37 21 A. Well, that's not true
12:00:40 22 because the cutouts were generated
12:00:43 23 using -- essentially looking at figure
12:00:45 24 19, or looking at the second figure
. 25 from tab C in my expert report. It was

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1 25:36 1 ALAN CAVALLERANO
14:25:36 2 understanding.
14:25:38 3 Q. Is it fair to say that
14:25:39 4 Mr. Taylor is more knowledgeable about
14:25:41 5 the Paint Box than you are?
14:25:42 6 A. I would expect that to be
14:25:43 7 the case.
14:25:46 8 Q. Have you ever observed a
14:25:48 9 Quantel Paint Box in person?
14:25:52 10 A. I've seen a demo tape, but I
14:25:54 11 have not actually worked with the
14:25:58 12 Quantel Paint Box. However, I have, in
14:26:04 13 working for CBS, I have at least been
14:26:06 14 somewhat familiarized with different
14:26:09 15 types of equipment that's utilized,
14:26:13 16 used in a studio, and also just from my
14:26:16 17 general experiences over the years,
14:26:18 18 over the many years working in the area
14:26:23 19 of video, I have been exposed to image
14:26:27 20 processing type devices.
14:26:30 21 And in fact I've actually
14:26:32 22 been in charge of projects and programs
14:26:38 23 at Philips where we had image
14:26:41 24 processors that were -- that performed
25 some of the functions that one would --

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26:46 1 ALAN CAVALLERANO
14:26:50 2 that we know that the Paint Box could
14:26:52 3 perform. And from that I do have at
14:26:54 4 least a good amount of familiarity.

14:26:56 5 Q. Sir, you referred to a
14:26:58 6 videotape in that answer. Is that the
14:27:00 7 videotape that Mr. Taylor prepared of
14:27:01 8 the Paint Box that you're referring to?

14:27:04 9 A. Yes, I believe that's
14:27:04 10 correct.

14:27:07 11 Q. Other than Mr. Taylor's
14:27:10 12 videotape, have you ever observed the
14:27:11 13 Paint Box?

14:27:12 14 A. No, I have not.

14:27:14 15 Q. Have you ever been in the
14:27:16 16 same room with a Quantel Paint Box?

14:27:21 17 A. I could say probably,
14:27:26 18 probably not. I have been -- I have
14:27:28 19 been in different studios at different
14:27:31 20 times, and it's possible -- or at
14:27:33 21 different trade shows over the years,
14:27:37 22 and it's possible that I was. But not
14:27:39 23 that -- not to the extent that I was
14:27:41 24 aware that there was a Paint Box and I
25 went over to it and started to use it.

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27:43 1 ALAN CAVALLERANO 195
14:27:44 2 Q. Other than Mr. Taylor's
14:27:47 3 videotape, have you ever observed the
14:27:50 4 Quantel Paint Box in operation?
14:27:52 5 A. Again, not that I'm aware
14:27:55 6 of. Unless it was used as a part of
14:27:57 7 something that I was watching on
14:28:00 8 television or something of that nature.
14:28:01 9 Q. I take it then that you've
14:28:03 10 never operated the Quantel Paint Box?
14:28:04 11 A. That's correct.
14:28:05 12 Q. And you've never conducted
14:28:07 13 a detailed inspection of the Quantel
14:28:08 14 Paint Box?
14:28:12 15 A. Detailed inspection of the
14:28:14 16 actual physical unit itself, that's
14:28:16 17 correct. I have reviewed materials
14:28:17 18 related to the Paint Box.
14:28:19 19 Q. So it's correct that you've
14:28:21 20 never conducted a detailed inspection
14:28:24 21 of the actual Quantel Paint Box?
14:28:24 22 A. That's correct.
14:28:26 23 Q. And you've never inspected
14:28:30 24 the circuitry of an actual Quantel
25 Paint Box?

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14:28:30 1 **ALAN CAVALLERANO**

14:28:33 2 A. Of an actual Paint Box,

14:28:33 3 that's correct.

14:28:35 4 Q. Did you ask your lawyers if

14:28:38 5 you could inspect the Paint Box that is

14:28:41 6 the subject of Mr. Taylor's video?

14:28:43 7 A. No, I have not.

14:28:45 8 Q. Did they tell you that that

14:28:47 9 system was made available for

14:28:49 10 inspection in this litigation?

14:28:54 11 A. They may have. I don't

14:28:58 12 recall. I can't say that I recall.

14:29:00 13 Q. Do you think it would have

14:29:03 14 been helpful to you to have inspected

14:29:04 15 the Paint Box before rendering an

14:29:08 16 opinion on the Paint Box?

14:29:08 17 MR. BEAMER: Objection;

14:29:10 18 vague.

14:29:16 19 A. Generally I would say that

14:29:19 20 my understanding of the device, my many

14:29:21 21 years of experience in the field of

14:29:28 22 video, would lead me to feel that I

14:29:30 23 more or less know what it is, I can

14:29:33 24 look at the manuals that are provided

 25 and have a good understanding of what

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14:29:35 1 ALAN CAVALLERANO
14:29:40 2 the product is, what the product does.
14:29:43 3 Q. Because you're comfortable
14:29:45 4 rendering an opinion on the Quantel
14:29:49 5 Paint Box without ever having actually
14:29:51 6 seen the Quantel Paint Box; is that a
14:29:51 7 fair statement?
14:29:53 8 A. Yes, that's a fair
14:29:53 9 statement.
14:29:54 10 Q. Are you an expert on the
14:29:55 11 Quantel Paint Box?
14:29:56 12 MR. BEAMER: Objection;
14:29:56 13 asked and answered.
14:29:58 14 A. Well, as we discussed, as I
14:30:00 15 presented this morning, I am an expert
14:30:02 16 in the field of video. A person who's
14:30:05 17 had many years of experience with
14:30:09 18 video. And as such I am an expert with
14:30:13 19 video type products. And that's what
14:30:15 20 my area of expertise is in.
14:30:16 21 Q. And my question to you,
14:30:19 22 sir, is, are you specifically an expert
14:30:23 23 on the Quantel Paint Box?
14:30:24 24 MR. BEAMER: This was asked
25 and answered this morning.